

REMARKS

The Official Action mailed August 11, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on April 20, 2004; and July 21, 2005.

A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-48 were pending in the present application prior to the above amendment. The Applicant notes with appreciation the allowance of claims 5-16 and 23-48 and the indication of the allowability of claims 19 and 20 (page 4, Paper No. 20060806). Independent claims 1 and 17 have been amended to better recite the features of the present invention, and new dependent claims 49 and 50 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 1-50 are now pending in the present application, of which claims 1, 5, 9, 13, 17, 23, 29, 37 and 43 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claims 1, 2, 17 and 18 as anticipated by U.S. Patent No. 5,886,313 to Krause. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 1 and 17 have been amended to recite that a first cylindrical lens has a first surface and a second surface facing an optical waveguide and a second cylindrical lens has a third surface and a fourth surface, where a radius of curvature of the second surface is larger than that of the first surface and where a radius of curvature of the fourth surface is larger than that of the third surface. These features are supported in the present specification, for example, by Figure 3A and the disclosure at page 17, lines 26-29. For the reasons provided below, the Applicant respectfully submits that Krause does not teach the above-referenced features of the present invention, either explicitly or inherently.

Krause appears to teach first and second cylindrical lenses 16 and 18 and an optical waveguide 17 in Figures 2, 3 and 3A (reproduced below).

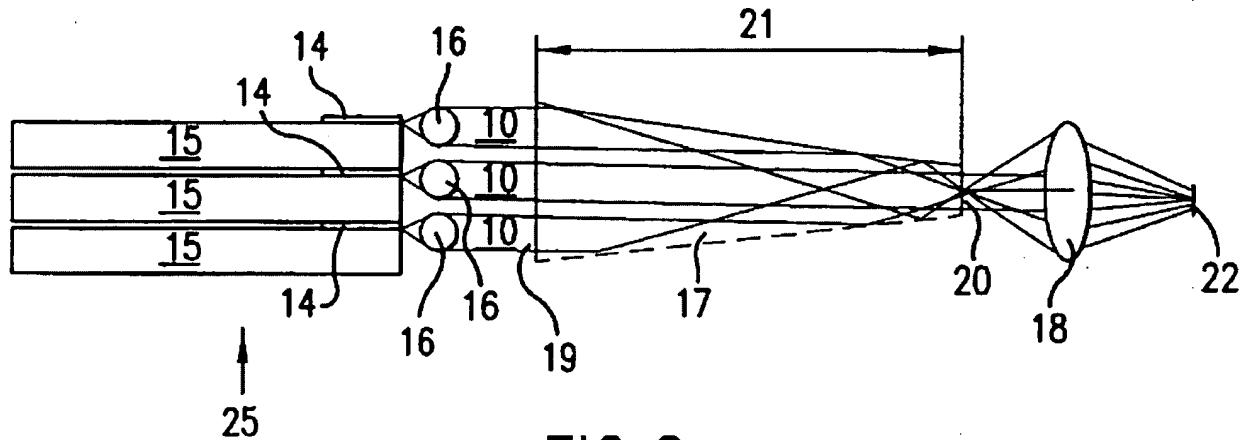


FIG.2

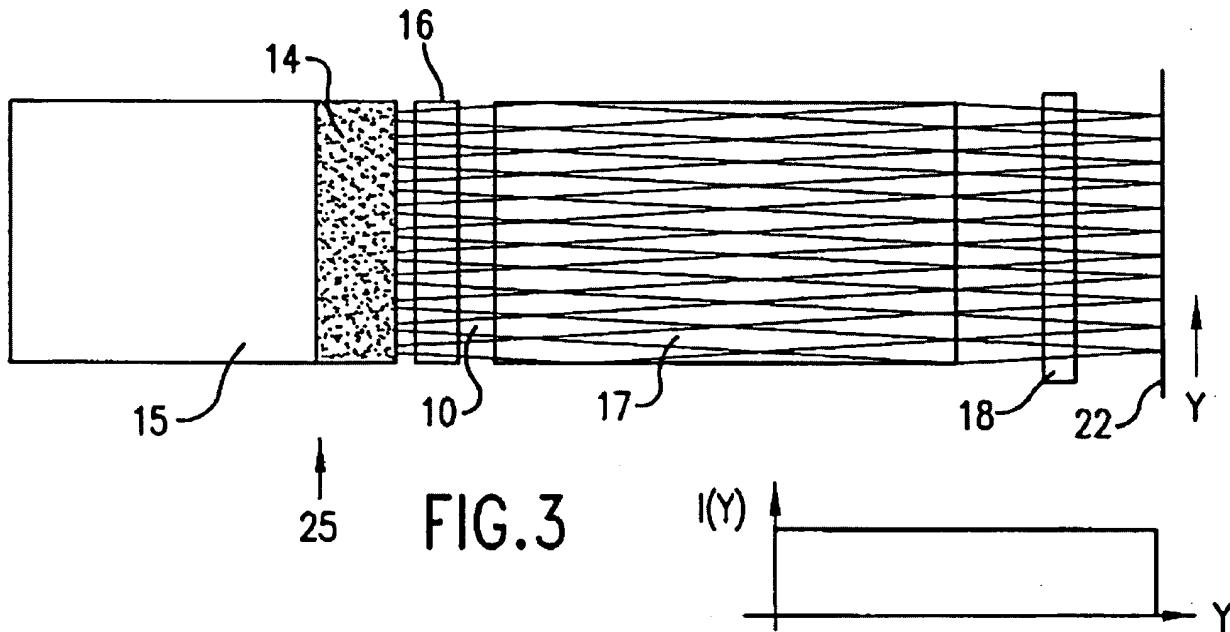


FIG. 3

FIG. 3A

Specifically, Figure 2 of Krause appears to teach that both of the first and second cylindrical lenses 16 and 18 have curved surfaces. However, Krause does not teach a radius of curvature of the curved surfaces or first and second surfaces, much less that a first surface of the cylindrical lens has a different radius of curvature than a second surface. Therefore, Krause does not teach that a first cylindrical lens has a first surface and a second surface facing an optical waveguide and a second cylindrical lens has a third surface and a fourth surface, where a radius of curvature of the second surface is larger than that of the first surface and where a radius of curvature of the fourth surface is larger than that of the third surface, either explicitly or inherently.

Since Krause does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

The Official Action rejects claims 3, 4, 21 and 22 as obvious based on the combination of Krause. The Applicant respectfully submits that a *prima facie* case of

obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Please incorporate the arguments above with respect to the deficiencies in Krause. The Official Action relies on assertions of the level of ordinary skill in the art to support a rejection of the dependent claims 3, 4, 21 and 22. Specifically, the Official Action asserts that "[a] person of ordinary skill in the art would have understood that the appropriate aspect ratio depends on the proportions of the object to be illuminated and the processing conditions for that product" (page 3, Paper No. 20060806). However, Krause does not teach or suggest that the cylindrical lenses of Krause should have first and second surfaces, much less that a first surface of the cylindrical lens should have a different radius of curvature than a second surface. Therefore, Krause does not teach or suggest that a first cylindrical lens has a first surface and a second surface facing an

optical waveguide and a second cylindrical lens has a third surface and a fourth surface, where a radius of curvature of the second surface is larger than that of the first surface and where a radius of curvature of the fourth surface is larger than that of the third surface. Since Krause does not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claims 49 and 50 have been added to recite additional protection to which the Applicant is entitled. The features of claims 49 and 50 are supported in the present specification, for example, by page 17, lines 26-29, and Figure 3A, for example. For the reasons stated above and already of record, the Applicant respectfully submits that new claims 49 and 50 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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